

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
12-cv-00589-UA-JEP

Pursuant to Rule 7.3(i) of the Local Rules of Civil Procedure of the United States District Court for the Middle District of North Carolina, Plaintiffs respectfully submit this suggestion of subsequently decided authorities as an addendum to Plaintiffs' Opposition to Defendants' Motion to Dismiss (Docket No. 69).

Attached hereto as Exhibit 1 is a copy of the decision in *Kitchen v. Herbert*, 2:13-CV-217, 2013 WL 6697874, at **9, 11, 29 (D. Utah Dec. 20, 2013) (“*Baker v. Nelson* is no longer controlling precedent and the court proceeds to address the merits of the question presented here. . . . The right to marry is an example of a fundamental right that is not mentioned explicitly in the text of the Constitution but is nevertheless protected by the guarantee of liberty under the Due Process Clause. . . .” The ban on same-sex marriage “discriminates on the basis of sexual identity without a rational reason to do so”).

Attached hereto as Exhibit 2 is a copy of the decision in *Bishop v. U.S. ex rel. Holder*, 04-CV-848-TCK-TLW, 2014 WL 116013, at *15 (N.D. Okla. Jan. 14, 2014) (“The Court concludes: (1) *Baker v. Nelson* is not binding precedent; (2) *Windsor*’s reasoning does not mandate a particular outcome for the Bishop couple or Smith; and (3) Part A intentionally discriminates against same-sex couples desiring an Oklahoma marriage license without a legally sufficient justification.”).

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2014, I electronically filed the foregoing Plaintiffs' Suggestion of Subsequently Decided Authority with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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